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Written statement* submitted by the Public Organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[09 August 2018]

* Issued as received, in the language(s) of submission only.

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On violations of the rights of Orthodox Christians in Ukraine, Montenegro, the Former Yugoslav Republic of Macedonia

We feel obliged to draw the attention of the HRC Advisory Committee on violations of the rights of Orthodox Christian believers in Ukraine, Montenegro and the Former Yugoslav Republic of Macedonia (FYROM). In these countries, political authorities, by interfering into the freedom of believers to profess their faith within a freely chosen denomination, try to force them to accept and subject themselves either to a so-called "autocephaly" or to any other form of juridical separation from their legitimate spiritual center with which they are linked by virtue of their religious beliefs.

UKRAINE:
The Ukrainian Orthodox Church

Since 2015, more than 40 churches of the Ukrainian Orthodox Church (UOC) have been illegally seized in hostile manner by radical organizations, supported by the police and civil servants. The total number of conflicts during which attempts were made to seize worship buildings exceeds 100 cases. Supporting the illegal seizure of the church in Katerynovka village, the police used exceeding and arbitrary force by bashing the believers with rubber trancheons1,2. As a result, many of the faithful suffered serious injuries, among the victims are the elderly, women and young people. However, the criminals have never been brought to justice.

In Ptycha village upon the initiative of the local state body the church building was arrested and sealed3. The arrest was allegedly imposed in order to prevent unrest, which is regularly organized by radicals. Thus, instead of protecting the legal owner of the church (UOC), the responsible government officers prevent the legal owner from worshipping in its own church.

With a view to weakening the organizational structure of the UOC, a number of Draft Laws were introduced to the Parliament of Ukraine, which unequivocally restrict the rights of only one denomination, namely the Ukrainian Orthodox Church. The Draft Laws give the right to vote at the general meetings of a religious community to persons who are not actually the members of that particular community. They also oblige the UOC to obtain a special permission from the government in order to appoint a new ruling bishop, as well as require that the religious organizations of the UOC (about 12 000 in Ukraine) conclude additional separate agreements with the government to perform its functions. Moreover, the Draft Laws oblige the Ukrainian Orthodox Church to change its unique name by including in it references to the Russian Orthodox Church or Moscow Patriarchate.

In 2018, the President of Ukraine P. Poroshenko started lobbying the creation of an autocephalous church in Ukraine, using for this purpose his administrative, political and media resources.

The violations against the faithful of the UOC were confirmed by reports of the OSCE SMM4, the UN High Commissioner for Human Rights5, the US State Department on Religious Affairs6, as well as by written statements submitted within the UN UPR and HRC procedures by human rights organizations7.

So far, our NGO has submitted 25 complaints to the UN Special Rapporteur on Freedom of Religion or Belief. A number of complaints were submitted within the UN HCR regular sessions (available at: www.protiktor.com/38hrcsession).

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1 https://www.osce.org/odihr/186901?download=true

2 https://publicadvocacynetwork.org/2018/06/05/mass-bashing-of-civilians-the-uoc-followers-in-katerynivka-village-ternopil-region-latent-war-timeline/

3 https://publicadvocacynetwork.org/2018/04/10/ptycha-village-case/

4 https://www.protiktor.com/38hrcsession/press-release-upr-un-ukraine-2017/osce-informs/

5 http://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016_ru.pdf

6 http://news.church.ua/2016/08/12/v-gosdepartamente-ssha-soobshhili-o-narusheniyax-prav-veruyushhix-v-ukraine/?lang=ru,
https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dynamic_load_id=256253&year=2015#wrapper

7 https://www.protiktor.com/38hrcsession/press-release-upr-un-ukraine-2017/

MONTENEGRO:
The Metropolitanate of Montenegro and the Littoral of the Serbian Orthodox Church

The Metropolitanate of Montenegro and the Littoral is a religious organization that is part of the Serbian Orthodox Church.

The Government of Montenegro in order to support the Macedonian Orthodox Church, which is not recognized by the Universal Orthodoxy has countenanced the following violations of the rights of the believers of the Serbian Orthodox Church:

1. Montenegrian government strives to regulate, by means of agreements, in a selective and discriminatory manner, primarily in relation to the Orthodox Church, the relations with the selectively chosen religious communities. Particularly, the Fundamental Agreement between the Holy See and Montenegro was concluded in 2011, which was followed by the Agreement Regulating Mutual Relations between the Government of Montenegro and Islamic Community and Agreement Regulating Mutual Relations between the Government of Montenegro and Jewish Community in 2012. The stated Agreements are not only different, but also mutually opposed. The Orthodox Church requested on several occasions that its legal position be regulated by means of an agreement, as well. Unfortunately, this did not take place due to the political, not legal reasons, since the Ministry of Human and Minority Rights tried to condition the conclusion of the agreement with its influence on the internal church organization and autonomous canonical right of the Church.

2. In 2015, the Government prepared the Draft Law on Freedom of Religion. The Draft Law caused a considerable disapproval by the public. Legal experts assessed it as retrograde, as compared with the Communist Law from 1977 and as non-aligned with the European Convention. The right to the freedom of religion was significantly reduced in both individual and collective aspects. It was a severe attack from the positions of the state authorities on the internal autonomy and internal organizational establishment of the churches and religious communities, and the Article 52 of the Draft Law is particularly problematic, since it stipulates a new nationalization, i.e. seizure, in favour of the state, of all sacral facilities that were constructed by believers until the year of 1918.

The FORMER YUGOSLAV REPUBLIC OF MOCEDONIA:
The Orthodox Ohrid Archbishopric of the Serbian Orthodox Church

In 2002, after canonical and ecclesiastical reunion of the Ohrid Archbishopric with the Serbian Orthodox Church, police unlawfully, without a court ruling, expelled Archbishop Jovan from his residence and cathedra in Veles.

In 2004, the same illegal actions were committed by the police in terms of the monks of four monasteries, who were immediately expelled from their monasteries after joining the Orthodox Ohrid Archbishopric89.

In 2005 Archbishop Jovan was sentenced to 18 months' imprisonment for Instigation of ethnic, racial and religious hatred, discord and intolerance.

After 220 days in prison, the Supreme Court found the last two of the three points to be unconstitutional and the sentence was shortened to 8 months 10.

In 2006, for the second time, Archbishop Jovan was sentenced on charges for embezzlement and was sentenced to a higher prison term of 2 years. After 256 days in prison, he was released11.

The same year, some armed men, looking for Archbishop Joval, illegally broke into Saint John Chrysostom monastery in the village Nižepole. Having failed to find him there, the armed men started harassing and uttering threats to the nuns, cutting their hair and setting the monastery on fire12. The buildings of the Orthodox Ohrid Archbishopric were raided by the police13 '4, the church in the Saint John Chrysostom monastery was demolished by the state

8 http://forum18.org/archive.php?article_id=228
9 https://web.archive.org/web/20110722215706/http://mhc.org.mk/default-en.asp?ItemID=996B88AD8CF81C4280D853A6695673E4&arc=1
10 http://www.poa-info.org/archbishop/testimonies/verdict_supreme_court.html
11 http://www.poa-info.org/archbishop/testimonies/9_third_verdict_convicting.html
12 http://forum18.org/archive.php?article_id=259
13 http://forum18.org/archive.php?article_id=506
14 https://www.state.gov/j/drl/rls/irf/2006/71394.htm

authorities15, the chapel St. Nectarios of Aegina was vandalized and then completely demolished as well with the serving priest, father Borjan Vitanov, who was beaten up twice16 .

In 2004, Macedonian Parliament adopted "the Declaration for support of the autocephaly of the MOC" thus legalizing the Government's identification with a specific religious community – the Macedonian Orthodox Church1718. There were also case when canonical Orthodox clergy were not allowed to enter the country 19 20.

"Religious groups reported government favoritism toward the Macedonian Orthodox Church – Ohrid Archbishopric (MOC-OA). The retrial of a money laundering case involving the head of the Orthodox Archbishopric of Ohrid (OAO) started in January but was postponed twice. The OAO, which was unable to register as a religious entity, said the government was discriminating against it.

In 2017, the European Court for Human Rights announced its verdict on the case nr. 3532/07: "Orthodox Ohrid Archbishopric against the Former Yugoslav Republic of Macedonia (FYROM)":

"FYROM violated Art. 11 (freedom of assembly and association), in conjunction with Art. 9 (Freedom of Thought, Conscience and Religion), the European Convention on Human Rights ", as the authorities refused to register the Orthodox Ohrid Archbishopric as a special religious community21.

In 2018, officers of the Ministry of Internal Affairs of Macedonia, when Metropolitan John was crossing the border, seized his passport in order to prevent him from participating in the celebration of the 1000th anniversary of the Ohrid Archbishopric.

CONCLUSION

From what has been mentioned, it becomes clear, that the use of power by state authorities to violate the rights of Orthodox Christian believers is becoming a common trend in Ukraine, the Former Yugoslav Republic of Macedonia and Montenegro, since in all these countries political authorities restrict the rights of canonical denominations, seeking to establish and provide advantages to non-canonical religious structures, which were created with the support of state authorities, but without a corresponding support of the local population of these states.
Unfortunately, in the cases listed above, politicians use parliamentary draft laws, police force, as well as arbitrary detentions and arrests, thus violating human rights.
We believe that the Human Rights Council should pay attention to this new type of international crime and prepare a resolution to eliminate its dissemination.

15 https://www.state.gov/j/drl/rls/irf/2006/71394.htm
16 https://www.state.gov/j/drl/rls/irf/2006/71394.htm
17 https://web.archive.org/web/20110725133708/http://www.a1.com.mk/vesti/default.aspx?VestID=28339
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21 http://www.poa-info.org/synod/announcements/20171117.html